

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RICHARD MILEWSKI,

Case No. 3:19-cv-00762-MMD-WGC

Plaintiff

ORDER

V.

**NEVADA DEPARTMENT OF
CORRECTIONS, *et al.*,**

Defendants

I. DISCUSSION

Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections (“NDOC”), has submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff has neither paid the full filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted an opportunity to file an application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file an application to proceed *in forma pauperis* he must file a fully complete application to proceed *in forma pauperis*, including both an inmate account statement for the past six months and a properly executed financial certificate.

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

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1 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
2 Plaintiff must either: (1) file a fully complete application to proceed *in forma pauperis*, on
3 the correct form with complete financial attachments in compliance with 28 U.S.C. §
4 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing
5 fee and the \$50 administrative fee).

IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order, dismissal of this action may result.

8 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
9 (ECF No. 1-1) but will not file it at this time.

10 | IT IS SO ORDERED.

11 DATED: December 30, 2019.

Walter G. Cobb
UNITED STATES MAGISTRATE JUDGE